

**IN THE CLAIMS:**

Kindly amend claim 12 and add new claims 22-27 as shown in the following listing of claims, which replaces all previous versions and listings of claims.

1 - 11. (canceled).

12. (currently amended) A recording apparatus for reproducing information recorded on a recording medium by utilizing near-field light, the recording apparatus comprising:

an aperture element having a microscopic aperture for producing or scattering ~~to create or scatter~~ near-field light;

a light illuminating means for irradiating ~~illuminating~~ illumination light comprised of light having two different modulation frequencies onto ~~mixed with different two of modulation frequency light to~~ the recording medium such that near-field light is created on a surface of the recording medium;

a first light detecting means for scattering the created near-field light by the microscopic aperture, and detecting a first propagation light having one of the two modulation frequencies, and converting the detected first propagation light ~~turning this~~ into a reproduced signal;

a second light detecting means for scattering the created near-field light by the microscopic aperture, and detecting a second propagation light having the other of the two modulation frequencies, and converting the detected second propagation light ~~turning this~~ into a control signal; and

a control means for controlling a distance ~~spacing~~ between the aperture element and the recording medium based on the control signal.

13 - 21. (canceled).

22. (new) A recording apparatus according to claim 12; wherein the control means includes peak detecting means for detecting a peak value of the control signal and controlling the distance between the microscopic aperture and the recording medium based on the peak value of the control signal.

23. (new) A recording apparatus according to claim 12; further comprising a flying head mechanism comprising a spring member for urging the aperture element in contact with the recording medium, and a spring control mechanism for supporting the spring member and varying a distance between the aperture element and the recording medium, so that the aperture element serves as a slider of the flying head mechanism.

24. A data storage apparatus comprising: a recording medium; a probe having a microscopic aperture for producing or scattering near-field light; a spring member for urging the probe in contact with the recording medium; a spring control mechanism for supporting the spring member and varying a distance between the probe and the recording medium; a light source for introducing focused light to one of the microscopic aperture and the recording medium to produce near-field light in a vicinity of one of the microscopic aperture and the recording medium, the focused light being comprised of light having two different modulation frequencies; a first light detector for detecting scattered light of one of the two modulation frequencies produced when the microscopic aperture is brought into close proximity to the recording medium and outputting a reproduced signal based on the detected light; a second light detector for detecting scattered light of the other one of the two modulation frequencies produced when the microscopic aperture is brought into close proximity to the recording medium and outputting a control based on the detected light; control means for controlling a spacing between the microscopic aperture and the recording medium based on the control signal, and detecting a value of data on the recording medium at each position of the microscopic aperture based on the reproduced signal; and means for varying

the intensity of light illuminated onto the recording medium to cause data to be written to the recording medium.

25. A recording apparatus according to claim 24; wherein the probe comprises a silicon substrate having an inverted conical hole formed therethrough so as to have an apex defining the microscopic aperture.

26. A recording apparatus according to claim 24; wherein the probe comprises an optical fiber.

27. A recording apparatus according to claim 24; wherein the control means includes peak detecting means for detecting a peak value of the control signal and controlling the distance between the microscopic aperture and the recording medium based on the peak value of the control signal.